

UNITED STATES DISTRICT COURT

APR 18 2018

for the
Western District of Arkansas

DOUGLAS F. YOUNG, Clerk
By
Deputy Clerk

In the Matter of the Search of

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)
)
Case No. FAY 18 cm 41

Google Hangout Account(s) levisteward63@gmail.com,
levisteward122@gmail.com, and Luke Johon
controlled by Google, Inc.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
SEE ATTACHMENT "A", This court has authority to issue this warrant under 18 U.S.C. §§ 2703(c)(1)(A) and 2711(3) (A) and Federal Rule of Criminal Procedure 41

located in the _____ District of _____, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

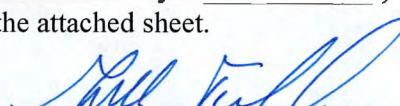
The search is related to a violation of:

Code Section
18 USC 2252/2252A

Offense Description
Distribution and possession of Child Pornography

The application is based on these facts:

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

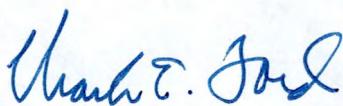

Applicant's signature

Homeland Security SA Gerald Francis Faulkner

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/18/18


Judge's signature

Mark E. Ford, U.S. Magistrate Judge

Printed name and title

City and state: Fayetteville, Arkansas

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the Google Hangout user ID(s) or email addresses:

1- Levi Steward, utilizing levisteward63@gmail.com,

3-levisteward122@gmailcom

4- Luke Johon

between the time period of January 1, 2018 until the present

that is stored at premises owned, maintained, controlled, or operated by Google Inc., 1600 Amphitheatre Parkway, Mountain View, California 94043

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Google

To the extent that the information described in Attachment A is within the possession, custody, or control of Google Inc. (“Google”), including any messages, records, files, logs, or information that have been deleted but are still available to Google, , Google is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Google passwords, Google security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user’s posts and other activities;
- (c) All photos and videos uploaded, distributed, received, or saved by that user ID;
- (d) All profile information, status updates, and contact lists associated with the accounts;
- (e) All other records of communications and messages made or received by the user;
- (f) All “check ins” and other location information;
- (g) All IP logs, including all records of the IP addresses that logged into the account;
- (h) All past and present lists of friends or contacts created by the account;

- (i) Any and All information deleted from the accounts but still recoverable by Google;
- (j) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (k) All privacy settings and other account settings, including privacy settings;

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 18, United States Code, Sections 2251 and Section 2252 involving the suspects outlined herein since **January 1 2018 until present**, including, for each user ID identified on Attachment A, information pertaining to the following matters:

- (a) Included, but not limited to, any and all sexually explicit images of minors
- (b) Evidence indicating how and when the Google Hangout account was accessed or used, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Google account owner;
- (c) Evidence indicating the Google Hangout account owner's state of mind as it relates to the crime under investigation;
- (d) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).
- (e) The identity of the person(s) who communicated with the user ID about matters relating to the sexual exploitation of children or involving nude images of children being sent and received via the Internet or other means.

(f) Any and all conversations, contacts, messages, emails, posts and/or chats involving the solicitation or enticement of minors to engage in sexually explicit conduct and/or encouraging minors to produce images or videos of themselves nude or engaging in sexually explicit conduct. Any and all conversations with others, adult or minors, concerning the sexual exploitation of children or the sending or receiving of images of minors, nude, clothed, or otherwise.

ATTACHMENT C

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS**

STATE OF ARKANSAS :
:
:
:
:
ss. AFFIDAVIT

COUNTY OF WASHINGTON

Affidavit in Support of Application for Search Warrant

I, Gerald F. Faulkner, being duly sworn, depose and state as follows:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (“HSI”), currently assigned to the Assistant Special Agent in Charge Office in Fayetteville, Arkansas. I have been so employed with HSI since April, 2009. As part of my daily duties as an HSI agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, online enticement, transportation, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2251A, 2422(b), 2252(a) and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have also participated in the execution of numerous search warrants and arrest warrants, a number of which involved child exploitation and/or child pornography offenses. This affidavit is being submitted based on information from my own investigative efforts as well as information obtained from others who have investigated this matter and/or have personal knowledge of the facts herein.

2. This affidavit is made in support of applications for a search warrant for information associated with certain accounts that are stored at a premises owned, maintained,

controlled, or operated by Google Inc., an electronic mail/Internet service provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043. This affidavit is made in support of an application for a search warrant under Title 18, United States Code (U.S.C.) §§ 2252A, relating to possession, distribution and production of images/videos of child pornography; to require Google Inc. to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the Google Hangouts user accounts of “levisteward63@gmail.com”, “levisteward122@gmailcom” and “Luke Johon”.

3. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google, Inc. to disclose to the government the requested records and other information in its possession. As such, your Affiant is requesting authority to search the social media accounts where the items specified in Attachment A may be found, and to seize all items listed in Attachment B as instrumentalities, fruits, and evidence of crime.

4. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts I believe necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violations of Title 18, United States Code (U.S.C.) § 2252A, relating to possession, distribution and production of child pornography, are presently located within the Google Hangouts user accounts of “levisteward63@gmail.com”, “levisteward122@gmailcom” and “Luke Johon”. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

5. This investigation, described more fully below, has revealed that the individuals using the Google Hangouts user accounts “levisteward63@gmail.com”,

“levisteward122@gmailcom” and “Luke Johon” have been created and utilized to distribute images/videos of child pornography in violations of Title 18, United States Code, Sections 2252A.

Statutory Authority

6. This investigation concerns alleged violations of Title 18, United States Code, Sections 2252 and 2252A, relating to material involving the sexual exploitation of minors, which has been defined in Title 18 U.S.C. 2256, as an individual under 18 years of age.

a. Under 18 U.S.C. Section 2252(a)(1) (transportation), 2252(a)(2) (receipt and distribution), and 2252(a)(4)(B) and 2252A(a)(5)(B) (possession), it is a federal crime for any person to transport, distribute, receive, and possess child pornography, as that term is defined by federal law. Further under 18 U.S.C. Section 2253(a)(3), a person who is convicted of an offense under 18 U.S.C. Section 2252 or 2252A, shall forfeit to the United States such person’s interest in any property, real or personal, used or intended to be used to commit or to promote the commission of such offense.

Background Regarding Computers and the Internet

7. Your Affiant has become familiar with the Internet, which is a global network of computers and other electronic devices that communicate with each other using various means, including standard telephone lines, high-speed telecommunications links (e.g., copper and fiber optic cable), and wireless transmissions including satellite. Due to the structure of the Internet, connections between computers on the Internet routinely cross state and international borders, even when the computers communicating with each other are in the same state.

8. Individuals and entities use the Internet to gain access to a wide variety of information; to send information to, and receive information from, other individuals; to conduct commercial transactions; and to communicate via electronic mail (“e-mail”) or Instant Messaging services (IM). An individual who wants to use the Internet must first obtain an account with a

computer or cellular telephone that is linked to the Internet – for example, through a commercial service – which is called an “Internet Service Provider” or “ISP”. Once the individual has accessed the Internet, whether from a residence, a university, a place of business or via their cellular service provider, that individual can use Internet services, including sending and receiving e-mail and IM.

9. The Internet is a worldwide computer network that connects computers and facilitates the communication and the transfer of data and information across state and international boundaries. A user accesses the Internet from a computer network or Internet Service Provider (“ISP”) that connects to the Internet. The ISP assigns each user an Internet Protocol (“IP”) Address. Each IP address is unique. Every computer or device on the Internet is referenced by a unique IP address the same way every telephone has a unique telephone number. An IP address is a series of four numbers separated by a period, and each number is a whole number between 0 and 255. An example of an IP address is 12.345.678.901. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. The ISP logs the date, time and duration of the Internet session for each IP address and can identify the user of that IP address for such a session from these records, depending on the ISP’s record retention policies.

10. Computers as well create a “Log File” that automatically records electronic events that occur on the computer. Computer programs can record a wide range of events including remote access, file transfers, logon/logoff times, systems errors, Uniform Resource Locator addresses (websites), unique searches performed on the Internet and various forms of electronic communications.

11. Computer files or remnants of such files can be recovered months or even years after they have been downloaded onto the hard drive, deleted, or viewed via the Internet. Electronic files downloaded to a hard drive can be stored for years at little or no cost. Even when such files have been deleted, they may be recoverable months or years later using readily-available forensic tools. When a person “deletes” a file on a home computer, the data contained in the file does not actually

disappear; rather, that data remains on the hard drive until it is overwritten by new data. Therefore, deleted files, or remnants of deleted files, may reside in free space or slack space – that is, in space on the hard drive that is not allocated to an active file or that is unused after a file has been allocated to a set block of storage space – for long periods of time before they are overwritten.

12. Similarly, files that have been viewed via the Internet are automatically downloaded into a temporary Internet directory or cache. The browser typically maintains a fixed amount of hard drive space devoted to these files, and the files are only overwritten as they are replaced with more recently viewed Internet pages. Thus, the ability to retrieve residue of an electronic file from a hard drive depends less on when the file was downloaded or viewed than on a particular user's operating system, storage capacity, and computer habits.

13. The use of the Internet and more specifically electronic communications via the Internet provides individuals the ability to mask their true identities as well as their physical locations. Additionally, the use of the Internet provides individuals and their associates the ability to access social networking sites free of charge to further their criminal activity

Background Regarding Gmail Accounts

14. Based on my knowledge and experience and information obtained from other law enforcement personnel with training and experience in this area, the following is known about Gmail accounts:

- a. Gmail is a free, advertising supported email service provided by Google. Users may access Gmail as secure webmail.
- b. Gmail initially started as an invitation-only beta release on April 1, 2004 and it became available to the public on February 7, 2007.
- c. Individual Gmail messages, including attachments, may be up-to 25 MB. Gmail has a search-oriented interface and a “conversation view” similar to an Internet Forum.

- d. Users can buy additional storage, shared among Gmail, Google Drive and Google+ Photos, through a monthly subscription plan. As of 2015, storage up to 15 GB is free, and paid plans are available for up to 30 TB for personal use.
- e. Google updated the Gmail inbox with tabs which allow the application to categorize the user's emails. The five tabs are: Primary, Social, Promotions, Updates and Forums. These tabs also appear in Gmail's mobile version.
- f. Gmail Mobile is a free service developed to provide access to Gmail from mobile devices. Gmail Mobile offers many of the features as Gmail delivered effectively to smaller, mobile screens.
- g. In 2010, Google commenced its new social networking tool, Google Buzz, which integrated with Gmail allowing users to share links and media, as well as status updates with social media platforms.

Background Regarding Google, Inc. Hangouts

15. Based on my knowledge and experience and information obtained from other law enforcement personnel with training and experience in this area, the following is known about Google, Inc. Hangouts:

- a. Hangouts is a communication platform developed by Google, Inc. which includes messaging, video chat, Short Message Service (SMS) and Voice Over Internet Protocol (VOIP).
- b. Hangouts allows conversations between two or more users. The service can be accessed online through the Gmail or Google+ websites or through mobile applications available for Android and iOS systems.
- c. Chat histories are saved online, allowing them to be synced between devices. Photos can be shared during conversations, which are automatically uploaded into a private Google+ album.

Summary of the Investigation to Date

16. In March 2018, your Affiant received nine (9) Cyber Tip Line Reports, Numbers 27833906, 27892451, 28082558, 28114147, 28284294, 28341717, 28388060, 29332652 and 28617799, from the National Center for Missing and Exploited Children (NCMEC) in reference to media files containing what was believed to be child pornography being uploaded onto an online storage drive infrastructure operated by Google, Inc.

17. The information on the suspected media files containing child pornography were submitted to the Cyber Tip Line by Google, Incorporated between February 13, 2018 through March 19, 2018. The incident information was categorized as being ‘child pornography (possession, manufacture, and distribution)’ which was viewed and identified by Google, Inc. representatives on all associated Cyber Tips between February 13, 2018 and March 19, 2018. A total of approximately twenty-six (26) uploaded images of suspected child pornography were associated with the reports.

18. Google, Inc. provided the Cyber Tip Line with the following information of the user being reported:

Email Address: levesteward63@gmail.com
Screen/User Name: Levi Steward
Number of Files: 26
Type: Upload
Date Range: 02/13/18 – 03/19/18
IP Addresses: multiple

19. Your Affiant viewed all of the files linked to the Cyber Tip Line Report Numbers and determined the majority of them to in fact be images of child pornography. On April 9, 2018, your Affiant again viewed and described three of these files as follows:

(a) File Name: report_16802547911731334739.jpg.
Upload Date/Time: 02/13/18 18:06:31 UTC
IP Address: 162.104.99.49

This image is of an approximate eight (8) to ten (10) year old prepubescent female completely naked sitting in a chair with her arms and hands holding her legs spread apart. The prepubescent female's breasts and vagina are exposed to the camera.

(b) File Name: report_5228700507630568967.jpg.
Upload Date/Time: 02/15/18 12:54:19 UTC
IP Address: 162.104.77.89

This image is of an approximate eleven (11) to thirteen (13) year old minor female completely naked lounging in a chair with her legs spread apart. The minor female's breasts and vagina are exposed to the camera.

(c) File Name: report_17737399136508182163.jpg
Upload Date/Time: 02/27/18 17:40:38 UTC
IP Address: 173.202.33.207

This image is of an approximate seven (7) to nine (9) year old prepubescent female completely naked sitting on a bed with her knees pulled to her chest and her legs spread. The prepubescent female's vagina is exposed to the camera.

20. During the investigation, law enforcement was able to determine that the above described child pornography images were posted online from a residence located at 11389 South Pleasant Valley Road in Gentry, Arkansas. On April 13, 2018, at approximately 0600 hours, HSI Special Agents and Task Force Officers (TFO) assigned to the ICAC Task Force executed a federal search warrant at said residence. While clearing the residence for Officer Safety, an individual identified as being Cherokee STEWARD was located within the residence/trailer.

21. Your Affiant interviewed STEWARD and during a post-Miranda interview he admitted to having a friend who sends him pictures of his cousin and those images were downloaded and located on his cellular telephone. STEWARD further elaborated his friend's name was "Luke", who lives in the United Kingdom, and they talk on an online application called "Hangout". He stated the images "Luke" sent him are of an approximate ten (10) to eleven (11)

year old minor female who is fully clothed but in one particular image she is hanging upside down where her panties are exposed. STEWARD explained he did not believe the images were inappropriate and the way his cellular telephone is currently set up these images were automatically saved on still located on is electronic device.

22. STEWARD was then told the specifics of the multiple Cyber Tip Line Reports reported by Google, Incorporated to the NCMEC in reference to the user email address of “levisteward63@gmail.com.” In response, STEWARD admitted to previously creating and utilizing the email address of “levisteward63@gmail.com” on his cellular telephone. He stated he would obtain images of child pornography through the Bing internet search engine while typing in the search terms “nudist teens” and “young nudist teens”. He further stated while on these particular websites he would click on internet links/tabs advertising minor females such as “younger” or “nubile” and these websites would bring him to naked images of minor females, approximately sixteen (16) years or older, to which he had saved to his cellular telephone. Your Affiant told STEWARD he had personally viewed all of the images associated through the Cyber Tip Line Reports and many of the pictures depicted prepubescent females naked with their breasts and vaginas exposed to the camera. In response, STEWARD admitted those particular images of child pornography were obtained by him clicking on the links/tabs labeled “younger” within the Bing websites he visited. STEWARD explained the images were of prepubescent females approximately seven (7) to eight (8) years of age with their “butts” and “vaginas” exposed. STEWARD stated that he had saved these images of naked prepubescent females in order to exchange them with “Luke” via the “Hangout” application for images of the ten (10) to eleven (11) year old female. It was explained to STEWARD the “Hangout” application is run by Google, Incorporated, and anytime he would distribute these images of child pornography to “Luke,” they were automatically uploaded to Google, Incorporated, which resulted in the company shutting down his “levisteward63@gmail.com” account. During his interview, your affiant questioned STEWARD

about his sexual attraction to children, and he admitted to being previously investigated by the Benton County Sheriff's Department for sexually abusing his approximately 11 year old cousin. He also admitted to creating a new Hangout account after his old account was shut down. STEWARD stated that he has, since that time, reinitiated contact with "Luke."'''

23. Initial forensic examinations on STEWARD's seized cellular telephone revealed an active Google, Inc. Hangouts account of "levisteward122@gmail.com" with recorded conversations with a user of "Luke" under the user account of "Luke Johon."

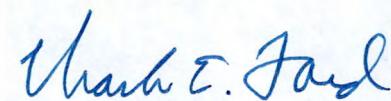
Conclusion

24. Based on the foregoing information, probable cause exists to believe there is located on the computer servers of Google Inc., 1600 Amphitheatre Parkway, Mountain View, California 94043 evidence of violations of Title 18, United States Code, Section 2252A. Your affiant prays upon his honorable court to issue a search warrant to Google Inc., for the items set forth in attachment "B" (which is attached hereto and incorporated herein by reference), that constitute evidence, fruits, and instrumentalities of violation of Title 18, United States Code, Sections 2252A.



Gerald Faulkner, Special Agent
Homeland Security Investigations

Affidavit subscribed and sworn to before me this 18th day of April 2018



Mark E. Ford
United States Magistrate Judge

**CERTIFICATE OF AUTHENTICITY OF DOMESTIC BUSINESS
RECORDS PURSUANT TO FEDERAL RULE OF EVIDENCE 902(11)**

I, _____, attest, under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this declaration is true and correct. I am employed by Google, and my official title is _____. I am a custodian of records for Google. I state that each of the records attached hereto is the original record or a true duplicate of the original record in the custody of Google, and that I am the custodian of the attached records consisting of _____ (pages/CDs/kilobytes). I further state that:

- a. all records attached to this certificate were made at or near the time of the occurrence of the matter set forth, by, or from information transmitted by, a person with knowledge of those matters;
- b. such records were kept in the ordinary course of a regularly conducted business activity of Google; and
- c. such records were made by Google as a regular practice.

I further state that this certification is intended to satisfy Rule 902(11) of the Federal Rules of Evidence.

Date

Signature